CLAIM OF RECOGNITION AND NOTICE OF UNDERSTANDING

Lawfully Established Duties and
Rights of the Human Being,

1. I am Claudio Silvaggi ***born a free human being*** according to the documentation, ***registration of a live birth completed and held on record by the Canadian Minister of Health and Social Services and attached to this declaration***, do declare the following in order to establish my recognition,

2. This claim of recognition ***has been created to counter the actions of the executive powers of Canada*** concerning the removal of my natural rights and freedoms, my human rights.

3. Whereas it is my understanding that ***Canada operates as a common law jurisdiction;***

Interpretation Act

Duality of legal traditions and application of provincial law

8.1 Both the ***common law*** and the civil law ***are equally authoritative and recognized sources of the law*** of property and civil rights ***in Canada***

4. Whereas I understand and claim that ***common law*** in Canada now flows through the ***constitution act of 1982***.

Supreme Court has made it clear in cases in M. (A.) v. Ryan, 1997 S.C.R. 157, ***that the common law must develop in accordance with Charter values.*** A trespass in common law equals an infringement or denial of a fundamental right or freedom

5. Whereas it is my understanding and claim that ***Canada as defined*** in the constitution act 1867 article 91 ***is a body corporate*** operating under executive powers.

Supreme Court of Canada Re: Authority of Parliament in relation to the Upper House, [1980] 1 S.C.R. 54
Date: 1979-12-21

"Further , although s. 91(1) gave the Queen the power, with the advice and consent of the Senate and the House of Commons , to alter the "Constitution of Canada" except in certain expressly designated areas, it does not confer a power to amend the B.N.A. Act The word ***"Canada"*** in s. 91(1) ***does not refer to Canada as a geographical unit*** but refers to the ***juristic***

federal unit.

6. Whereas I understand and claim that ***I am being forced*** into recognition as an officer of Canada, the ***class of person before the law***, ***contrary to my full legal capacity.***

Ontario municipal act

"municipality" means a geographic area whose ***inhabitants are incorporated***

Municipality

(2) In this Act , a reference to a municipality is a reference to its geographical area ***or*** to the ***municipal corporation***, as the context requires

Body corporate

4 (1) ***The inhabitants of every municipality are incorporated as a body corporate***

7. Whereas I understand and claim that ***Article 2*** in the **Constitution Act of Canada 1982** it is clearly defines my rights to my full legal capacity and specifically stated in the International instruments that I may stand upon my full legal capacity as a human being individually by reason of religion and conscience.

Constitution Act of Canada 1982

Article 2.

Fundamental freedoms

2. Everyone has the following fundamental freedoms:

(a) freedom of conscience and religion;

(b) freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication;

(c) freedom of peaceful assembly; and

(d) freedom of association.

ICCPR

Article 22.1

Everyone shall have the right to freedom of association with others.

Article 18

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and FREEDOM, EITHER INDIVIDUALLY or in community with others and in

public or private, to manifest his religion or belief in worship, observance, practice and teaching.

Further, I also understand from the Chapter IV HUMAN RIGHTS that Maldives reservation from Chapter IV was speaking truth and was met with many responses in many other counties reservations..

4. INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS
New York, 16 December 1966

Entry into Force

23 March 1976, in accordance with article 49, for all provisions except those of article 41; 28 March 1979 for the provisions of article 41 (Human Rights Committee), in accordance with paragraph 2 of the said article 41.

Registration
23 March 1976, No. 14668.
Status
Signatories: 74. Parties: 173.

Reservations

MALDIVES

"The application of the ***principles*** set out in **Article 18** of the Covenant shall be ***without prejudice*** to the ***Constitution of the Republic of Maldives.***"

https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-4&chapter=4&clang=_en

8. These ***statutory powers*** and the ***operation of law*** flowing from them ***are limiting and abridging my full legal capacity as guaranteed*** to me through the ***constitution act of 1982.***

Thomson Newspapers Ltd. v. Canada (Director of Investigation and Research, Restrictive Trade Practices Commission), 1990 CanLII 135 (SCC), [1990] 1 SCR 425

While individuals as a rule ***have full legal capacity by the operation of law alone***, artificial persons are creatures of the state and enjoy civil rights and powers only upon the approval of statutory authorities.

The ***individual may stand upon his constitutional rights.*** He owes no duty to the State, since he receives nothing there from, beyond the protection of his life and property. His ***rights are such as existed by the law of the land long antecedent to the organization of the State***, and can only be taken from him by due process of law, and in accordance with the ***Constitution***. ***He owes nothing to the public so long as he does not trespass upon their rights.***

9. Whereas I understand and claim that ***Canada is a signatory to the International Bill of Human Rights.***

Immigration and Refugee Protection Act S.C. 2001, c. 27

(3) Objectives and Application
Objectives — immigration
(3) This Act is to be construed and applied in a manner that
(f) Complies with ***international human rights instruments to which Canada is signatory***.

10. ***Whereas I understand and claim that the executive powers and the legislators are under obligation to respect and ensure my individual rights and freedoms, my full legal capacity*** as enumerated within the international covenants, the Constitution Act of Canada and subsequent domestic law.

11. Whereas I understand and claim that Canada must take steps to give effect to all rights in the International Covenant through the Constitutional Process.

International Covenant on Civil and Political Rights Article 2

Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps, ***in accordance with its constitutional processes*** and ***with the provisions of the present Covenant***, to adopt such laws ***or other measures as may be necessary to give effect to the rights recognized in the present Covenant.***

Divito v. Canada (Public Safety and Emergency Preparedness), 2013 SCC 47, [2013] 3 S.C.R. 157:

22-***Canada 's international obligations and relevant principles of international law are also instructive in defining the right:***

The content of Canada's international human rights obligations is, in my view, an Important indicia of the meaning of "the full benefit of the Charter's protection". I believe that the Charter should generally be presumed to provide protection at least as great as that afforded by similar provisions in international human rights documents which Canada has ratified.

23-More recently, in **Health Services and Support - Facilities Subsector Bargaining Assn. v. British Columbia**, 2007 SCC 27, [2007] 2 S.C.R. 391, McLachlin C.J. and LeBel J. ***confirmed that, "the Charter should be presumed to provide at least as great a level of protection as is found in the international human rights documents that Canada has ratified"*** (para. 70).

12. ***Where as it is my understanding and claim that the Canadian Constitution act of 1982, as declared in section 52-*** The Constitution of Canada ***is the supreme law of Canada,*** and any law that is inconsistent with the provisions of the Constitution is, to the extent of the inconsistency, of no force or effect.

Canada (Attorney General) v. Sam Levy et Associes Inc., 2005 FC 171 (CanLII)

First, and most importantly, the Constitution is, under s. 52(1) of the Constitution Act, 1982, "the supreme law of Canada, and any law that is inconsistent with the provisions of the Constitution is, to the extent of the inconsistency, of no force or effect". ***The invalidity of a legislative provision inconsistent with the Charter does not arise from the fact of its being declared unconstitutional by a court. but from the operation of s. 52(1).*** Thus, ***in principle, such a provision is invalid from the moment it is enacted, and a judicial declaration to this effect is but one remedy amongst others to protect those whom it adversely affects***

13. Whereas it is my understanding and claim that the Constitution Act of 1982 guarantees and ***protects my natural, fundamental rights and freedoms*** as enumerated in section 1 and 7 of said constitution.

The Constitution Act of Canada 1982 article 1

The ***Canadian Charter of Rights and Freedoms guarantees the rights and freedoms set out in it***

Constitution Act of Canada 1982 Article 7

Everyone has the right to life, liberty and security of the person

R. v. Wagner, 2015 ONCJ 66

The Rule of Law

114. The ***"rule of law"*** not only finds itself in the ***preamble to the Charter of Rights***, its ***spirit is manifested throughout the document***, from the restrictions on the state's powers...

116...***Finally, at the developing fringes of the new natural law, which goes by the name human rights, are other assertions.***

118...***Those unwritten principles tend to he largely replicated in the text of the constitution, with s. 7 of Canada's Charter of Rights striking me as a prime example. Our written constitution reflects many, many influences, including the drafters' awareness of natural law,***

14. Whereas I claim that ***the rule of law exists to protect my full legal capacity*** and that no statutory creatures whether they are executive, legislative or judicial can take actions against me that limit or abridge my charter rights and freedoms contrary to the principles of justice.

Slaight Communications Inc. v. Davidson, [1989] 1 SCR 1038, 1989

The reference ins. 32 to the "Parliament" and a "legislature" make clear that ***the Charter operates as a limitation on the powers of those legislative bodies***. Any statute enacted by either Parliament or a Legislature which is inconsistent with the Charter will be outside the power of (ultra vires) the enacting body and will be invalid. ***It follows that any body exercising statutory authority, for example, the Governor in Council or Lieutenant Governor in Council, ministers, officials, municipalities, school boards, universities, administrative tribunals and police officers, is also bound by the Charter.*** Action taken under statutory authority is valid only if it is within the scope of that authority. Since neither Parliament nor a Legislature can itself pass a law in breach of the Charter, ***neither body can authorize action which would he in breach of the Charter.***

Thus, the limitations on statutory authority which are imposed by the Charter will flow down the chain of statutory authority and apply to regulations, by-laws, orders, decisions and all other action (whether legislative, administrative or judicial) which depends for its validity on statutory authority.

Gosselin v. Quebec (Attorney General), /2002[4 SCR 429, 2002 SCC 84 (CanLII)

337… It is clear that s. 7 surely protects the right not to be deprived of one's life, liberty and security of the person ***when that is done in breach of the principles of fundamental justice.***

350 ***Clearly, positive rights are not at odds with the purpose of the Charter. Indeed, the Charter compels the state to act positively to ensure the protection of a significant number of rights***,… Positive rights are not an exception to the usual application of the Charter, but an ***inherent part of its structure***. ***The Charter as a whole can he said to have a positive purpose in that at least some of its constituent parts do.***

15. Whereas Black's Law Dictionary, 9th edition, defines ***"claim"*** as follows:

Claim, n., (13c) 1. The aggregate of operative facts giving rise to a ***right enforceable by a court***. Also, termed claim for relief (1808).

2. The assertion of an existing right; any right to payment or to an equitable remedy, even if contingent or provisional;

16. Whereas it is my understanding and claim

- That there are several subjects and role players ('actors') presented within the Provincial and Federal domestic laws; and international laws,

- In Canada these subjects are classed according to the benefits and privileges that have been conferred upon them through the statutory instruments; and that there is a distinction between different subjects or actors in operation within the law; and

- That the distinction is not only in wording and text but in the rights, duties and obligations that attach to each subject; and

- That, for greater certainty, it is my understanding that ***I have the right not to be considered as a class of person but can stand upon my full legal capacity***.

Thomson Newspapers Ltd. v. Canada (Director of Investigation and Research, Restrictive Trade Practices Commission), 1990 CanLII 135 (SCC), [1990] 1 SCR 425

While individuals as a rule ***have full legal capacity by the operation of[aw alone,*** artificial persons are creatures of the state and enjoy civil rights and powers only upon the approval of statutory authorities.

The ***individual may stand upon his constitutional rights*** He owes no duty to the State, since he receives nothing there from, beyond the protection of his life and property. His rights are such as existed by the law of the land long antecedent to the organization of the State, and can only be taken from him by due process of/aw, and in accordance with the Constitution. He owes nothing to the public so long as he does not trespass upon their rights.

17. Whereas it is my understanding and claim that the rule of law must be respected here in Canada and even the adjudicators are bound and expected to respect the natural rights and freedoms, the positive rights flowing from the charter.

R. v. Wagner, 2015 ONCJ 66

The Rule of Law

5. ***The idea that there are certain fundamental unwritten principles that govern all members of society including legislators and which judges are expected to enforce is not particularly new***...

The contemporary concept of unwritten constitutional principles can be seen as a modern reincarnation of the ancient doctrines of natural law

Black's Law 9th Edition.

Natural law- A physical law of nature. A philosophical system of legal and moral principles purportedly deriving from a ***universalized conception of human nature or divine justice rather than from legislative or judicial action;***

Natural right- A right that is conceived as part of natural law and that is therefore thought to exist independently of rights created by government or society, such as the right to life, liberty, and property

Inalienable right- ***A right that cannot be transferred or surrendered,*** a natural right such as the right to own property.

Absolute right. 1. ***A right that belongs to every human being***, such as the right of personal liberty; a natural right.

R. v. Wagner, 2015 ONCJ 66

The Chief Justice goes on to note that these rules bind the legislative, executive and judicial branches. The ***debate is not so much about whether such norms exist, but what those norms are in relation to any given case where a litigant calls on such norms to his aid.***

Finally. at the developing fringes of the new natural law, which goes by the name human rights, are other assertions ... .***it rests on the proposition that there is a distinction between rules and the law. Rules and rule systems can be good, but they can also be evil.***

Thus, as important as these principles may be, and as essential as it may be that in difficult cases the judge must stand against the winds and rains to uphold them

Those unwritten principles tend to be largely replicated in the text of the constitution, with s. 7 of Canada's Charter of Rights striking me as a prime example. Our written constitution reflects many, many influences, including the drafters' awareness of natural law

I agree with her that the "rule of law" is, quite apart from the terms of any written constitution, part of the constitutional DNA of this country and that its precepts must be abided by and must be applied by judges no matter how strong may be the prevailing winds or how challenging the social or political environment in which an issue arises.

R. v. Peel Regional Police Service, Chief of Police, 2000 CanLII 22808 (ON SC)

[104] ***The courts too must conform to the rule of law:*** The rule of law is the very foundation of the Charter. It stands to reason then that the courts are duty bound to apply the Charter.

Slaight Communications Inc. v. Davidson, [1989] 1 SCR 1038, 1989 (SCC)

The fact that the Charter applies to the order made by the adjudicator in the case at bar is not, in my opinion, open to question. The adjudicator is a statutory creature: he is appointed pursuant to a legislative provision and derives all his powers from the statute.

Accordingly, an adjudicator exercising delegated powers does not have the power to make an order that would result in an infringement of the Charter, and he exceeds his jurisdiction if he does so. This idea was very well expressed by Professor Hogg when he wrote in his text titled Constitutional Law of Canada (2nd ed. 1985), at p. 671

18. Whereas it is my understanding and claim that ***I do not have to take recognition as a class of person to obtain a right or privilege*** conferred upon me on behalf of Her Majesty in right of Canada. I claim that ***this operation of law*** found in this statutory instrument ***is limiting and abridging my fundamental rights and freedoms***.

Financial administration Act

Charges for rights and privileges

19.1 The Governor in Council may, on the recommendation of the Treasury Board ,

(a) By regulation prescribe ***the fees or charges to be paid for a right or privilege conferred by or on behalf of Her Majesty*** in right of Canada, by means of a license, permit or other authorization, by the persons or classes of persons on whom the right or privilege is conferred; or

(b) Authorize the appropriate Minister to prescribe by order those fees or charges , subject to such terms and conditions as may be specified by the Governor in Council.;

Thomson Newspapers Ltd. v. Canada (Director of Investigation and Research, Restrictive Trade Practices Commission), 1990 CanLII 135 (SCC), [1990] 1 SCR 425

While individuals as a rule ***have full legal capacity by the operation of law alone***, artificial persons are creatures of the state and enjoy civil rights and powers only upon the approval of statutory authorities.

The individual may stand upon his constitutional rights He owes no duty to the State, since he receives nothing there from, beyond the protection of his life and property. His ***rights are such as existed by the law of the land long antecedent to the organization of the State, and can only be taken from him by due process of/aw, and in accordance with the Constitution. He owes nothing to the public so long as he does not trespass upon their rights.***

Whereas it is my understanding and claim that when a ***human being takes recognition as a class of person*** he or she ***has been stripped of certain fundamental rights and freedoms that are available to the human being***;

19. Whereas it is my understanding and claim that this fundamental right and

freedoms is recognized in the international covenant according to article 16 and 8 of the ICCPR,

Article 8.2
No one shall be held in servitude.

Article 16
Everyone has the right to recognition everywhere as a person before the law.

20. Whereas it is my understanding and claim that this fundamental right and freedom has been ensured in the Constitution Act of Canada 1982 Article 7.

Constitution Act of Canada 1982 Article 7

Everyone has the right to life, liberty and security of the person

Thomson Newspapers Ltd. v. Canada (Director of Investigation and Research, Restrictive Trade Practices Commission), 1990 CanLII 135 (SCC), [1990] 1 SCR 425

That is, read as a whole, it appears to us that this section [s. 7] was intended to confer protection on a singularly human level. A plain, common sense r**eading of the phrase *"Everyone has the right to life, liberty and security of the person"*** serves to underline the human element involved; ***only human beings can enjoy these rights***. "Everyone" then, must be read in light of the rest of the section and defined to exclude corporations and other artificial entities incapable of enjoying life, liberty or security of the person, ***and include only human beings***.

21. Whereas it is my understanding and claim that the ***human being and the juridical personality are not one and the same***. There is a ***distinction being expressed between the human and what the human possesses***, the juridical personality. A Juridical personality is not one and the same when compared to a living human being.

Civil Code of Quebec
BOOK ONE
PERSONS
TITLE ONE
ENJOYMENT AND EXERCISE OF CIVIL RIGHTS

1. ***Every human being possesses juridical personality*** and has the full enjoyment of civil rights.

***Juridical personality is an artificial person*.**

Black's Law 9th Edition

juridical person. See artificial person

artificial person 17(c). ***An entity***, such as a corporation, ***created by law and***

given certain legal rights and duties of a human being; a being, ***real or imaginary, who for the purpose of legal reasoning is treated more or less as a human being***.

22. Whereas it is my understanding and claim that Everyone (human being) ***can take recognition*** as a person before the law. This is a right that a ***human being possesses however there is no obligation*** for the human being ***to enter into said recognition***, to operate as a statutory creature governed by the statutory power.

23. Whereas it is my understanding and claim that ***I am not created by law but born into existence***. ***I do not possess certain rights and freedoms of a human being. I am a human being***.

24. ***Whereas I understand and claim*** that no one can force me into recognition as a class of person before the law. ***A right creates a choice not an obligation.***

25. Whereas I understand and claim that ***many statutory instruments*** in Canada ***are inconsistent with the Constitution Act of Canada 1982*** and ***I claim that these enactments are no force or affect against me a human being***.

26. ***Canadian Constitution act of 1982, as declared in section 52***- The Constitution of Canada ***is the supreme law of Canada***, and ***any law that is inconsistent with the provisions of the Constitution is***, to the extent of the inconsistency, ***of no force or effect***

Slaight Communications Inc. v. Davidson, [1989] 1 SCR 1038, 1989

The reference in s. 32 to the "Parliament" and a "legislature" make clear that the Charter operates as a limitation on the powers of those legislative bodies. Any statute enacted by either Parliament or a Legislature which is inconsistent with the Charter will be outside the power of (ultra vires) the enacting body and will be invalid. ***It follows that any body exercising statutory authority, for example, the Governor in Council or Lieutenant Governor in Council, ministers, officials, municipalities, school boards, universities, administrative tribunals and police officers, is also bound by the Charter.*** Action taken under statutory authority is valid only if it is within the scope of that authority. Since neither Parliament nor a Legislature can itself pass a law in breach of the Charter, ***neither body can authorize action which would be in breach of the Charter. Thus, the limitations on statutory authority which are imposed by the Charter will flow down the chain of statutory authority and apply to regulations, by-laws, orders, decisions and all other action*** (whether legislative, administrative or judicial) which depends for its validity on statutory authority

27. Whereas I understand and claim that the municipalities are a body corporate and that I am being incorporated into this body corporate through being declared an officer of the corporation and that this is against my wishes and contrary to my Charter rights and freedoms.

Godbout v. Longueuil (City), 1997 CanLII 335 (SCC), [1997] 3 SCR 844

Since municipalities cannot but be described as "governmental entities", they are subject to the Canadian Charter. ***First, municipal councils are democratically elected by members of the general public and are accountable to their constituents*** in a manner analogous to that in which Parliament and the provincial legislatures are accountable to the electorates they represent.

Second, municipalities possess a general taxing power that, for the purposes of determining whether they can rightfully be described as "government", is indistinguishable from the taxing powers of the Parliament or the provinces.

Third, and importantly, municipalities are empowered to make laws, to administer them and to enforce them within a defined territorial jurisdiction.

Finally, and most significantly, municipalities derive their existence and law-making authority from the provinces. As the Canadian Charter clearly applies to the provincial legislatures and governments, it must also apply to entities upon which they confer governmental powers within their authority. Otherwise, provinces could simply avoid the application of the Charter by devolving powers on municipal bodies. Further, since a municipality is governmental in nature , all its activities are subject to Charter review.

28. Whereas I am claiming that ***I will no longer stand under the statutory powers that are being used to limit or abridge my charter rights and freedoms.*** I am not an officer of Canada/Province operating from an office of employment.

29. Whereas I claim and state that the ***representatives of this government*** are under ***obligation not to*** take actions aimed at the destruction of my rights and freedoms. The officers of Canada cannot point to domestic statutory power to justify limiting or abridging my full capacity as brought forth in the constitution act of 1982.

Zingre v.The Queen et al., [1981] 2 SCR 392 (Supreme Court of Canada).

"It is a recognized principle of international customary law that a state may not invoke the provisions of its internal law as justification for its failure to perform its international obligations."

30. Whereas it is my understanding and claim that article 1.2 of the ICCPR states that all peoples may, for their own ends, ***freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law***. In no case may a people be deprived of its own means of subsistence.

Further, I claim that I have no obligation to contribute any resources to the economic, social or cultural development of any province or the development of Canada . The executive powers of Canada ***cannot force me to contribute for there is no provision to force contributions in the covenants.***

Divito v. Canada (Public Safety and Emergency Preparedness), 2013 SCC 47, [2013] 3 S.C.R. 157:

[22]-***Canada's international obligations and relevant principles of international law are also instructive in defining the right:***

The content of Canada's international human rights obligations is, in my view, an Important indicia of the meaning of "the full benefit of the Charter's protection". I believe that the Charter should generally be presumed to provide protection at least as great as that afforded by similar provisions in international human rights documents which Canada has ratified.

International Covenant on Civil and Political Rights

Article 47

Nothing in the present Covenant shall be interpreted as impairing the inherent right of all peoples to enjoy and utilize fully and freely their natural wealth and resources

Further ***I claim for the purpose of the income tax enactment***, I am not resident in Canada (body corporate). I am not operating an office as an officer under the statutory power. I am not a class of person designated officer of Canada.

31. Whereas it is my understanding and claim that article 17 of the International Covenant on Civil and Political Rights states,

Article 17.1
No one shall be subjected to arbitrary or unlawful interference with his privacy, family. home or correspondence nor to unlawful attacks on his honor and reputation.

Article 17.2
Everyone has the right to the ***protection of the law*** against such interference or attacks.

32. Whereas it is my understanding and Claim that the ***"rule of law"*** is supreme law over officials of the Government.

Christie v. British Columbia, 2005 BCCA 631 (CanLII)

The rule of law, a fundamental principle of our Constitution, must mean at least two things. First, that ***the law is supreme over officials of the government as well as private individuals, and thereby preclusive of the influence of arbitrary power***.

33. Whereas it is my understanding and claim ***everyone has the right to own property alone.*** I do not want to hold my property in association with the local municipality for a public purpose. ***I am standing on the grounds of private ownership unassociated with anybody***.

UDHR
Article 17

1. Everyone has the right to own property alone as well as in association with others. **2**. No one shall be arbitrarily deprived of his property.

In the Criminal Code of Canada it states that the inhabitants of a municipality are incorporated,

"municipality" ***includes the corporation of a city***, town, village, county, township, parish or other territorial or local division of a province, the ***inhabitants of which are incorporated*** or are entitled to hold property collectively for a public purpose;

Ontario Municipal Act, 2001

"**municipality**" means a geographic area ***whose inhabitants are incorporated***

Interpretations
Municipality

(2) In this Act, a reference to a municipality is a reference to its geographical area ***or to the municipal corporation, as the context requires***

Body corporate

4 (1) The inhabitants of every municipality are incorporated as a body corporate

Thomson Newspapers Ltd. v. Canada (Director of Investigation and Research, Restrictive Trade Practices Commission), 1990 CanLII 135 (SCC), [1990] 1 SCR 425

While individuals as a rule ***have full legal capacity by the operation of/aw alone,*** artificial persons are creatures of the state and enjoy civil rights and powers only upon the approval of statutory authorities

34. Whereas I claim that ***I refuse to enter into recognition*** as an officer of the municipality, a creature of the state, I am standing upon my full legal capacity. The local municipal council has no jurisdiction to attempt to restrict or regulate my actions under their statutory authorities, to do so would be a violation of my charter rights.

35. Whereas it is my understanding and claim that by birth, I ***am OWNER of a patrimony***, This ***patrimony was to be used in order to create an adequate living for myself and my family. As of this notification no Government agent or third party representative has any right to operate upon my security.***

Civil Code of Québec - 1991
BOOK ONE
PERSONS
TITLE ONE
ENJOYMENT AND EXERCISE OF CIVIL RIGHTS

article 2 Every person has a patrimony. The ***patrimony may be divided or appropriated to a purpose,*** but only to the extent provided by law.

36. Whereas I claim that ***the constructed registered holder of my security has no right to the entitlements or benefits thereof***, as I am no longer a child, I am devolving ***by operation of law the rights and entitlements back to my control.***

37. ***I claim the right to freely decide and choose***, if I will earn, gain or pursue after a living or if ***I will enjoy a living as granted to me in international law and domestic laws***.

International Covenant on Economic, Social and Cultural Rights
Article 6

The States Parties to the present Covenant ***recognize the right to work***, which ***includes the right of everyone to the opportunity to gain his living by work*** which ***he freely chooses or accepts***, and will take appropriate steps to safeguard this right

38. Whereas notification of this document the state party is aware ***that I am choosing to enjoy an adequate living and will no longer be pursuing after a living***. This right is ensured to me through international law and domestic law.

International Covenant on Economic, Social and Cultural Rights
Article 11

1. The States Parties to the present Covenant ***recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing. and to the continuous improvement of living conditions.*** The States Parties will ***take appropriate steps to ensure the realization of this right,*** recognizing to this effect the essential importance of international co-operation based on free consent.

Constitution Act of Canada, 1982
Legal Rights
Life, liberty and security of person

7. ***Everyone has the right to life, liberty and security of the person*** and the right not to be deprived thereof except in accordance with the principles of fundamental justice.

39. Whereas it is ***my understanding and claim that International law directly through the ICCPR and ICESCR states*** the following in each Preamble.

Recognizing in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying civil and political freedom and ***freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his civil and political rights, as well as his economic, social and cultural rights***,

40. ***Whereas I understand and claim that the minister must allow me to use my patrimony for my adequate living*** and failure to do so produces a right for me to commence a claim under section **24** of the **Constitution Act of Canada, 1982**.

Anyone whose rights or freedoms, as guaranteed by this Charter, have been infringed or denied may apply to a court of competent jurisdiction to obtain such remedy as the court considers appropriate and just in the circumstances

41. ***It is presumed by the justice system that the enactments conform to international law*** while in reality they do not. Anyone seeking to enforce an enactment against me that is ***against my Constitutional rights and my international fundamental rights and freedoms are breaking the law*** and are in ***violation of Canada's international obligations***.

In R. v. Hape it is clear that the ***Constitution Act has brought forth the rights and freedoms guaranteed and expressed in the covenant in accordance with the provisions of the covenant.***

R. v. Hape, 2007 SCC 26 (CanLII), [2007] 2 SCR 292

Para 53.....It is a well-established principle of statutory interpretation that legislation ***will be presumed to conform to international law.*** The presumption of conformity is based on the rule of judicial policy that, as a matter of law, ***courts will strive to avoid constructions of domestic law pursuant to which the state would be in violation of its international obligations***.

42. Whereas it is my understanding and claim that **article 2.1** of the **International Covenant on Civil and Political Rights** states that each State Party to the present Covenant ***undertakes to respect and to ensure to all individuals within its territory*** and subject to its jurisdiction ***the rights recognized in the present Covenant, without distinction of any kind,***

43. Whereas it is my understanding and claim that in order for lawful representation to exist, there ***must be mutual consent***. ***I am hereby notifying all*** who read this and any other interested parties that ***I have REVOKED my consent to be governed under the designation of juridical personality and reserve all my rights as a human being.***

44. Furthermore, I claim the right ***to access any services provided by the Government of Canada or any province of Canada as required by necessity without the creation of joinder with any corporate or legal entity,*** or the erosion of my status as a ***human being***, and, ***I claim the right to refuse recognition as*** the legal entity/artificial person, as I am not the originator of that entity, regardless of the situation or what words I choose to use or neglect to use and ***it cannot be inferred that I have accepted recognition through act or omission on my part other than a***

statement in writing bearing my autograph. under oath and properly notarized.

45. ***Whereas I claim. and stand under all my fundamental human rights*** recognized by The Canadian Charter of Rights and Freedoms article 7 and 26, The International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights, ***these rights and freedoms are never to be limited or abridged***.

Canada, Emergencies Act R.S.C., 1985, c. 22 (4th Supp.)
Preamble

AND WHEREAS the Governor in Council, in taking such special temporary measures, would be subject to the Canadian Charter of Rights and Freedoms and the Canadian Bill of Rights and ***must have regard to the International Covenant on Civil and Political Rights. particularly with respect to those fundamental rights that are not to be limited or abridged even in a national emergency;***

46. Whereas it is my understanding and claim that according to the **Constitution Act of Canada, 1982 article 26** states that ***the guarantee in this Charter of certain rights and freedoms shall not be construed as denying the existence of any other rights or freedoms that exist in Canada.***

47. Whereas it is my understanding and claim that **article 1.2** of the **ICCPR** states that all peoples may, for their own ends, ***freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law.*** In no case may a people be deprived of its own means of subsistence.

48. I claim that ***I have no obligation to contribute any resources*** to the economic, social or cultural development of any province or the development of Canada. The executive powers of Canada ***cannot force me to contribute for there is no provision to force contributions in the covenants.***

International Covenant on Civil and Political Rights

Article 47

Nothing in the present Covenant shall be interpreted as impairing the inherent right of all peoples to enjoy and utilize fully and freely their natural wealth and resources

49. Whereas I understand and claim that Her Majesty's agent the CRA ***is under obligation to respect my individual fundamental rights and freedoms*** for it is under obligation to respect international laws.

50. Whereas it is my understanding and claim that **article 2.1** of the **International Covenant on Civil and Political Rights** states ***No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home*** or correspondence, nor to unlawful attacks on his honor and

reputation. Everyone has the right to the protection of the law against such interference or attacks.

Court Judgement Supreme Court

Christie v. British Columbia, 2005 BCCA 631 (CanLII)

[47]…The ***rule of law***, a fundamental principle of our Constitution, must mean at least two things. First, that the law is supreme over officials of the government as well as private individuals, ***and thereby preclusive of the influence of arbitrary power***.

51. Whereas it is my understanding and claim ***everyone has the right to own property alone as well as in association with others.*** No one shall be arbitrarily deprived of his property.

In the Criminal Code of Canada it states that the inhabitants are incorporated,

"municipality" ***includes the corporation of a city***, town, village, county, township, parish or other territorial or local division of a province, the ***inhabitants of which are incorporated*** or are entitled to hold property collectively for a public purpose;

52. Whereas I claim that the police cannot force me to take recognition under the criminal code as an incorporated person within the municipality that I am located in. If ***any officer forces this recognition upon me this is a breach of my fundamental rights and freedoms***.

53. Whereas I claim that my fundamental rights and freedoms, safeguarded by the Canadian Charter of Rights and Freedoms, are recognized by all.

Comprehensive Ontario Police Services Act, 2019, S.O. 2019, c. 1 - Bill 68
PART I
PRINCIPLES AND INTERPRETATION
Declaration of principles

2. The ***importance of safeguarding the fundamental rights and freedoms guaranteed by the Canadian Charter of Rights and Freedoms*** and the Human Rights Code.

54. Whereas I understand and I claim that police officers and peace officers have the ***obligation to distinguish between common law, enactments and regulations***. Any attempted enforcement of an enactment against me that is inconsistent with the Constitution Act of Canada 1982 ***will be illegal and will produce a federal law suit under the crowns liability enactment***.

Court Judgement Supreme Court

Christie v. British Columbia, 2005 BCCA 631 (CanLII)

In the present case, declaring the Acts of the Legislature of Manitoba invalid and of no force or effect would, without more, undermine the principle of the rule of law.

The rule of law, a fundamental principle of our Constitution, must mean at least two things. First, that the law is supreme over officials of the government as well as private individuals, and thereby preclusive of the influence of arbitrary power. Indeed, it is because of the supremacy of law over the government, as established in s. 23 of the Manitoba Act, 1870 ands. 52 of the Constitution Act, 1982, ***that this Court must find the unconstitutional laws of Manitoba to be invalid and of no force and effect***.

55. Whereas I understand and claim that if the officer of the state party fails in their obligation to respect my individual rights and freedoms by seeking to place me into ***recognition of an artificial person***, ***I have the right to deal with the officer's actions through the right of Habeas Corpus.***

International Covenant on Civil and Political Rights

Article 9

1. ***Everyone has the right to liberty and security of person***. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.

4. ***Anyone who is deprived of his liberty by arrest or detention*** shall be entitled to take proceedings before a court, in order that that court may decide without delay on the ***lawfulness of his detention and order his release if the detention is not lawful***.

5. ***Anyone who has been the victim of unlawful arrest or detention*** shall have an enforceable right to compensation.

56. Whereas I understand and claim that this right is expressed in domestic law as per Canada's obligations in the following articles of law in the Constitution Act of 1982.

Constitution Act of Canada 1982

Article 10. ***Everyone (human being)*** has the right on arrest or detention

(a) ***to be informed promptly of the reasons therefore;***

(c) to have ***the validity of the detention determined by way of habeas corpus and to be released if the detention is not lawful.***

Whereas it is my understanding and claim that the Criminal code of Canada article 15 states that no person (human being) shall be convicted of an offence in respect of an act or omission in obedience to the laws for the time being made and ***enforced by persons in de facto possession of the sovereign power in and over the place where the act or omission occurs***

57. Whereas I understand and claim that the Criminal Code article 794 expresses the operation of law ***concerning my human rights and freedoms not to be charged under a statute as a legal person***

Criminal Code R.S.C., 1985, c. C-46

No need to negative exception, etc

794 (1) No exception, exemption, proviso, excuse or qualification prescribed by law is required to be set out or negatived, as the case may be, in an information. ***Burden of proving exception, etc***.

794 (2) The burden of proving that an exception, exemption, proviso, excuse or qualification prescribed by law operates in favour of the defendant is on the defendant, and the prosecutor is not required, except by way of rebuttal, to prove that the exception, exemption, proviso, excuse or qualification does not operate in favour of the defendant, whether or not it is set out in the information

58. Furthermore, I claim that ***I can use this Declaration to defend my private property*** as indicated in the Canadian Criminal Code Article 35;

Criminal Code R.S.C., 1985, c. C-46

Defence — property

(1) Every one who ***is in peaceable possession of personal property under a claim of right,*** and every one acting under his authority, is protected from criminal responsibility for defending that possession, even against a person entitled by law to possession of it, if he uses no more force than is necessary.

59. Whereas I claim ***that all my property is private property and belongs to me a human being***. My personal property is private and is not to be assumed to be owned by the juridical personality. ***All my property whether immovable or movable is under the administration of myself alone*** and no government agent or representative has any right or my consent to regulate or try to control my possessions.

60. Whereby ***I claim the right to the highest attainable medical attention that is available,*** whether this medical attention is obtained domestically or upon another state party's territory. ***I claim the right to use any medical technology or product that is available to me a human being*** and I will not accept prescribed limited treatment or be regulated by enactments concerning the medical attention I can receive or use. ***This medical attention is payable from my patrimony and must be released when requested***.

International Covenant on Economic, Social and Cultural Rights

Article 12

1. The States Parties to the present Covenant recognize ***the right of everyone to the enjoyment of the highest attainable standard*** of physical and ***mental health***.

2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for:

(d) The creation ***of conditions which would assure to all medical service and medical attention in the event of sickness.***

61. Whereas I understand and claim ***that education was to be free and the vocational or technical training that I received in the exercise of my right to work was to be free***. I further claim that the executive powers have failed to honor their international obligations and are in breach of their obligations.

International Covenant on Economic, Social and Cultural Rights

Article 13

1. The States Parties to the present Covenant recognize the right of everyone to education.

2. The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right:**(a)** Primary education shall be compulsory and available free to all;

(b) Secondary education in its different forms , including technical and vocational secondary education , shall be made generally available and accessible to all by every appropriate means, and in particular ***by the progressive introduction of free education;***

(c) Higher education shall be made equally accessible to all, on the basis of capacity , by every appropriate means , ***and in particular by the progressive introduction of free education;***

62. ***I claim the right to freely travel and to not be forced into the recognition or designation of a carrier.*** When I am traveling I am not engaged in the transportation of passengers or property, I am not making any income or operating in a commercial capacity in my travels. I claim the enactment is not applicable against me according to section 26 and section 7 of the constitution act 1982.

63. I Claim the right to choose freely whether I want to or not want to partake in any medical treatment. I understand and claim that this is in Article 7 of the

ICCPR. This is our god given right by means of conscience and religion.

International Covenant on Civil and Political Rights

Article 7.

No one shall be subjected to torture or to cruel, inhuman or degrading ***treatment*** or punishment. In particular, ***no one shall be subjected without his free consent*** to ***medical or scientific experimentation***.

64. This document ***may not be reproduced by any medium for any purpose whatsoever*** by anyone without prior written permission. Furthermore , ***I claim the right to amend this document at any time without notice.***

65. Whereas this ***Declaration of Understanding and Claim of Recognition ESTABLISHES MY LAWFUL EXCUSE*** and it informs the parties involved that I wish to be designated and recognized as a ***human being*** . All parties who have been served proper Notice of this Claim of right either directly or by association, and fail to dispute, within the allotted time and then infringe, violate or abrogate said rights, directly or through their agents , employees or proxies, agree they do so under full commercial liability.

66. Any and all concerned parties wishing to dispute the claims made herein or make their own counterclaims must respond appropriately within 45 days of this Public Notice. Responses must be delivered via Canada post ***with full disclosure of the living breathing human being making the challenge and doing so under oath and full commercial liability.***

67. Whereas I remind the state party that I reserve my right to designate myself and not be designated by others as ***such I am not to be referred to as a freeman on the land, a sovereign citizen, a sole corporation*** or any other designation that individuals are seeking to use here in Canada to escape their obligations .

68. ***I am a human being born free according to international law nothing more and nothing less.*** The fundamental rights and freedoms that I have enumerated here are internationally recognized and are ***obligations upon this state party Canada.***

69. Whereas I claim that the executive powers here in Canada ***have NOT respected my fundamental rights and freedoms*** as was their obligation according to international law. ***I further claim that the justice system is the body of power that is here to protect and honor my fundamental human rights and freedoms.***

R. v. Hynes, 1999 CanLII 18979 (NL CA)

[101] The determination whether to enforce ***constitutionally protected rights under s. 24(2) was never intended to revert to the executive arm of government***. Indeed, as has already been discussed, ***a primary purpose of the Charter was to place courts between the executive and the individual to protect the latter's individual fundamental rights and freedoms.***

This is my Declaration

Claudio :Silvaggi

A human being with intrinsic rights

Making a Claim in Canada under the Constitutional Questions Act.

[This one should always be used] I am seeking to remove the recognition that I've been placed under as that legal person, as that juridical personality, because the Lieutenant Governor has incorporated me into a municipality using a letters patent. This law forced me into servitude without my consent. I'm claiming remedy against the letters patent.

[example to add a claim] The CRA is forcing me to abide by that enactment of the taxation code that the CRA Minister (give name) which are governing that legal person. I need to be relieved of that obligation.